

To: "Nawi, David" [David_Nawi@ios.doi.gov]; om Hagler/R9/USEPA/US@EPA;Michael Tucker [michael.tucker@noaa.gov]; ichael Tucker [michael.tucker@noaa.gov]
Cc: Deanna Harwood [Deanna.Harwood@noaa.gov]; Barajas, Federico" [FBarajas@usbr.gov]; Monroe, Jim" [James.Monroe@sol.doi.gov]; aren Schwinn/R9/USEPA/US@EPA;"Chotkowski, Michael" [michael_chotkowski@fws.gov]; Chotkowski, Michael" [michael_chotkowski@fws.gov]; Idlof, Patricia S (Patti)" [Pidlof@usbr.gov]; Allen, Kaylee" [Kaylee.Allen@sol.doi.gov]
From: "Belin, Letty"
Sent: Thur 2/23/2012 7:21:21 PM
Subject: RE: Purpose Statement
Pidlof@usbr.gov
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Great work in chasing this down, David. Let's hope we really are done with this and no one will force us to play Whack-a-Mole on this issue.

From: Nawi, David
Sent: Thursday, February 23, 2012 12:25 PM
To: Tom Hagler; Michael Tucker
Cc: Deanna Harwood; Barajas, Federico; Monroe, Jim; Karen Schwinn; Belin, Letty; Chotkowski, Michael; Idlof, Patricia S (Patti); Allen, Kaylee
Subject: RE: Purpose Statement

I just spoke to Mark. He has not intended to propose the change Mike Tucker distributed, and has agreed to incorporate just the added sentence in the language currently on the website and reflected in my earlier email. I believe (and hope) that this issue is closed, at least for now.

From: Tom Hagler [mailto:Hagler.Tom@epamail.epa.gov]
Sent: Wednesday, February 22, 2012 10:42 AM
To: Michael Tucker
Cc: Nawi, David; Deanna Harwood; Barajas, Federico; Monroe, Jim; Karen Schwinn; Belin, Letty; Chotkowski, Michael; Idlof, Patricia S (Patti)
Subject: Re: Purpose Statement

Karen is having a nice break in Hawaii, so I will give you some initial comments. These are necessarily abbreviated.

(1) It is troubling that we are reopening something that was represented to all of us as being closed more than a year ago. It is also troubling that there now appear to be two different purpose statements - a federal view and a state or contractor view. I'm not sure how that would or should be evaluated under NEPA or CEQA. It may have happened before, but it can't be anything but complicated.

(2) The action agencies have wide latitude to define their project purpose. But the scope of the proposed project determines the scope of the alternatives that must be evaluated. The federal action agency letter from late 2010, which is reflected in the federal purpose statement, provided the basis for characterizing the BDCP as a change in the method of conveyance through or around the Delta. That is a fairly narrow project purpose that would have a correspondingly narrow set of alternatives.

If, on the other hand, the project purpose is to significantly increase exports (that is, a water supply augmentation purpose), that is a different project that would require a broader set of alternatives.

(3) Although there are some differences between 404 and NEPA, this same issue of project purpose and scope of alternatives arises in the 404 context.

And that's about it for first reactions.

(And thanks to Rhonda Reed for her comments at the State Board hearing yesterday. It was nice to see NMFS, DFG, and EPA saying the same thing in terms of moving the Board process forward.)

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From: Michael Tucker <michael.tucker@noaa.gov>
To: "Idlof, Patricia S (Patti)" <Pidlof@usbr.gov>
Cc: "Nawi, David" <David_Nawi@ios.doi.gov>, Karen Schwinn/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, "Belin, Letty" <Letty_Belin@ios.doi.gov>, "Barajas, Federico" <FBarajas@usbr.gov>, Deanna Harwood <Deanna.Harwood@noaa.gov>, "Monroe, Jim" <James.Monroe@sol.doi.gov>, "Chotkowski, Michael" <michael_chotkowski@fws.gov>
Date: 02/22/2012 09:28 AM
Subject: Re: Purpose Statement

Unfortunately, the text that Mark provided below is quite different from what has shown up in the draft document provided by ICF (Chapter 2 of EIR/EIS). The new draft includes Mark's addition, but also includes several other key words and qualifying phrases that I had not seen before (attached with differences highlighted). I think that all the Fed agencies need to look at this and decide if we can accept the new changes.

Mike

On Tue, Feb 21, 2012 at 4:14 PM, Idlof, Patricia S (Patti) <Pidlof@usbr.gov> wrote:

David,

Reclamation is agreeable to adding the proposed hi-lighted sentence below to the Purpose and Need Statement contained in Chapter 2 of the BDCP EIR/EIS.

Patti Idlof

Office: (916) 414-2404

pidlof@usbr.gov

From: Nawi, David

Sent: Monday, February 13, 2012 4:27 PM

To: Karen Schwinn; hagler.tom@epamail.epa.gov; Belin, Letty; Idlof, Patricia S (Patti); Barajas, Federico; 'Deanna Harwood'; Monroe, Jim; Michael Tucker; Chotkowski, Michael

Subject: Purpose Statement

Mark Cowin would like to add the highlighted language to the purpose statement in the current version of the DEIS/EIR, set out below. The language is a direct quote from the October 26, 2010 letter from the three federal lead agency RDs to EPA (letter attached for you reference, as well as Chapter 2 of draft BDCP, see p. 5 for relevant language). As I understand it, the intent in proposing the inclusion of the added language is to make clear that the language is focused on average amounts.

Please provide a reaction to the proposed additional language, and include anyone else who should review this.

The above Purpose Statement reflects the intent to advance the coequal goals set forth in the Sacramento–San Joaquin Delta Reform Act of 2009 of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The above phrase—restore and protect the ability of the SWP and CVP to deliver up to full contract amounts— is related to the upper limit of legal CVP and SWP contractual water amounts and delineates an upper bound for development of EIR/EIS alternatives, not a target. It is not intended to imply that increased quantities of water will be delivered under the BDCP. As indicated by the "up to full contract amounts" phrase, alternatives need not be capable of delivering full contract amounts on average in order to meet the project purposes. Alternatives that depict design capacities or operational parameters that would result in deliveries of less than full contract amounts are consistent with this purpose.

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Michael Tucker
BDCP Branch Supervisor

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